

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1050 OF 2018

Ravi Annappa Patil/Birajdar.

... Applicant.

V/s.

State of Maharashtra.

... Respondent.

Mr. P.G. Sarda I/b. Mr. Aviraj S. Takar, Advocate for applicant.

Ms. Veera Shinde, APP for State.

Mr. Dattatray S. Pujari, PSI, Mangalvedha Police Station.

CORAM : SMT. SADHANA S. JADHAV, JJ.

DATE : JUNE 12, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 21/8/2017 in Crime No. 371 of 2017 registered at Mangalwedha Police Station for offence punishable under section 376, 372, 363, 366(A) read with section 34 of the Indian Penal Code and under section 4, 8, 12 of Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that the prosecutrix Ms. X lodged a report at Dongri Police Station at Mumbai on 5th August, 2017 alleging therein that in the year 2016, she had gone for harvesting

Talwalkar

sugarcanes to village Kothali, Taluka Jaisingpur, District Kolhapur. She had met the present applicant there. They had got acquainted with each other and then she was in love with the present applicant. In March, 2017 her parents had learnt about her relationship with the present applicant and had scolded her. In April, 2017 she had called up the present applicant to inform him that her parents had learnt about their love affair and they are likely to file a case against him. The applicant had called her to meet him. She had informed him that her parents would file case against him in the eventuality that they were seen together. In spite of that, the applicant had coerced her to accompany him. He had taken her to Pandharpur on the motor cycle. They had gone to the house of the relative who had refused to entertain them for long time. However, they stayed with his aunt and at that time, he had ravished her. Thereafter, on several occasions he had sexual intercourse with her against her wish. They had then gone to Karad to the house of the sister of the applicant. There also he continued to have sexual intercourse with her. They went to village Kothali, Jaisingpur and stayed in a room. They had exhausted their funds. He had then sold his cell phone. One day, he told her that he would borrow money from his brother and asked her to wait at Pandharpur bus stop. He did not return back.

4 At the bus-stop, she met two women namely Radha Upade and Urmila. They had shown sympathy to her and taken her alongwith them. She had started working with Radha in a vineyard. In May, 2017 Radha Upade had informed her that she had to go to Rajasthan to meet her daughter who is pregnant and that she should accompany her. The prosecutrix had accompanied her. The prosecutrix was made to sign on a blank paper and thereafter, she was told that she has got married to one unknown person. Subsequently, the daughter of Radha namely Jyoti had disclosed to the prosecutrix that her mother had sold prosecutrix to one person for Rs. One Lakh. At about 2 a.m. she managed to escape from the house. She had boarded a bus for Jaipur and from Jaipur she had landed in Mumbai by train. She was told to go to V.T. Railway station for catching train for Solapur. At V.T. Station, she had met another woman who is a member of Child-line Organisation and from there, she has been sent to the Child Correction Home at Dongri.

5 The learned Counsel for the applicant vehemently submits that the prosecutrix was in love with the present applicant. She had eloped from their house voluntarily. It is also submitted that on the earlier occasion also she had left the house with another person. It is also stated that there is delay in lodging the FIR.

6 The learned APP submits that the applicant had abandoned

her at Pandharpur bus stand in all probabilities with the knowledge that she would be taken care by Radha Upade and Urmila. Learned APP submits that there is nexus between present applicant and two women, who had sold her and who were involved in trafficking. According to the learned APP the applicant in all probabilities is a part of the said trafficking racket.

7 Upon considering papers of investigation, it is more than clear that after the victim was left at Pandharpur S.T. Stand, the applicant had not taken any efforts to search for her. The applicant had not informed police that the girl who was in his company was missing from Pandharpur S.T. Stand. In fact, it is more than clear that she was abandoned at the S.T. Stand to facilitate Radha Upade and Urmila to take her away.

8 Taking into consideration the papers of investigation, more particularly, the conduct of the applicant, which can be examined under section 8 of the Indian Evidence Act at the time of trial, this Court is not inclined to consider the application for bail. The application being sans merits stands rejected.

[SMT. SADHANA S. JADHAV, J.]